

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**MUSIC WITH MAR., LLC,**

**Plaintiff,**

**v.**

**Case No. 8:20-cv-1091-T-33AAS**

**MR. FROGGY'S FRIENDS, INC.  
and KATRINA WEBSTER,**

**Defendants,**

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**ORDER**

Music with Mar, LLC (Music) moves for an order compelling Mr. Froggy's Friends, Inc. and Katrina Webster (collectively, the defendants) to produce documents responsive to its request for production. (Doc. 65). Music also requests an award of attorney's fees in relation to the motion. (*Id.*). In response, the defendants request an extension of time to provide the outstanding discovery responses and oppose Music's request for attorney's fees. (Doc. 69).

Because Music's motion to compel was unclear about whether it complied with the requirement of Local Rule 3.01(g) by having a substantive discussion with the defendants' counsel, the court ordered Music to supplement the motion after conferral.<sup>1</sup> (Doc. 66). Music supplemented its motion outlining other attempts to

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<sup>1</sup> Music's motion to compel attached emails from Music to the defendants dated August 8, 11, and 14, 2020, requesting the discovery responses or Music "will have to file a motion." (Doc. 65-2).

obtain information from attorney Anthony L. Eugeni, the defendants' personal counsel in Buffalo, New York, who is not counsel of record here and that predate this litigation. (*See* Doc. 67-1).

Civility among lawyers working on opposite sides of a case is a touchstone of the practice of law. The court reminds the attorneys of the obligation of civility, which is embodied in Local Rule 2.04(h) of the Middle District of Florida. Besides the local rule, the Middle District's Discovery Handbook provides that "[d]iscovery in this district should be practiced with a spirit of cooperation and civility." Middle District Discovery: A Handbook on Civil Discovery Practice (2015) at I.A.1.

Upon review of the parties' submissions and email attachments, discovery is not occurring in the manner anticipated by the local rules and the discovery handbook. The discovery deadline is February 1, 2021 and there is no prejudice in allowing the defendants additional time to respond to Music's discovery requests. (*See* Doc. 32). That said, any future failure to comply with the deadlines established by the Federal Rules of Civil Procedure and this court may result in sanctions.

Music's motion to compel (Doc. 65) is **GRANTED in part and DENIED in part**. The defendants' responses to Music's requests for production are due by **September 15, 2020**. Music's request for attorney's fees in relation to this motion is denied. *See* Fed. R. Civ. P. 37(a)(5)(A)(i)-(iii).

**ORDERED** in Tampa, Florida on September 1, 2020.

A handwritten signature in black ink, reading "Amanda Arnold Sansone". The signature is written in a cursive style with a large initial 'A'.

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AMANDA ARNOLD SANSONE  
United States Magistrate Judge